

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: February 12, 2026

CASE: 2025-00707N

Citation: Leeds Condominium Corporation No. 14 v. Watson, 2026 ONCAT 24

Order under section 1.44 of the *Condominium Act, 1998*.

Member: Brian Cook, Member

The Applicant,

Leeds Condominium Corporation No. 14

Represented by Emily Deng, Counsel

The Respondent,

Melissa Watson

Not participating

Hearing: Written Online Hearing – January 5, 2026 to February 9, 2026

REASONS FOR DECISION

A. INTRODUCTION

- [1] Leeds Condominium Corporation No. 14 (“LCC 14”) filed this application because of complaints from other residents about the conduct of Melissa Watson, an owner and occupier of a unit in LCC 14. LCC 14 alleges that Ms. Watson creates unreasonable noise, does not properly dispose of garbage resulting in unreasonable odours, and smokes tobacco and cannabis producing odours that migrate to the hallway and other units.
- [2] LCC 14 says these activities are not permitted by the condominium’s rules. It seeks an order requiring Ms. Watson to comply with the rules and to compensate it for costs incurred in seeking compliance with the rules.
- [3] Ms. Watson did not join the case. LCC 14 has provided copies of the Notices of the case and has confirmed they were delivered to Ms. Watson. I am satisfied that Ms. Watson had notice of the case.
- [4] By not joining the case, Ms. Watson gave up her right to challenge the evidence presented by LCC 14 or to provide evidence on her own behalf.

- [5] LCC 14 is represented by Emily Deng, a lawyer.
- [6] For the reasons that follow, I accept the evidence provided by LCC 14 and conclude that Ms. Watson has failed to comply with LCC 14's Rules and the provisions of the *Condominium Act, 1998* (the "Act"). I order her to stop creating or allowing the production of unreasonable noise and odours, and to stop smoking tobacco or cannabis in her unit or in the common elements of the condominium building.

B. EVIDENCE

- [7] LCC 14 relies on a statement from the condominium manager with attached supporting documents.
- [8] LCC 14 says that Ms. Watson moved into her unit in February 2025. Complaints were made to the condominium manager about noise within a few months. The complaints included loud door slamming, screaming and yelling, and noise from a television at loud volumes. The noises complained of sometimes occurred in the night, after midnight.
- [9] Complaints have also been received about strong tobacco and/or cannabis odours coming from Ms. Watson's unit. Residents have complained that the odour is sometimes very strong and migrates to their units and the corridor.
- [10] There are numerous complaints about strong odours from cat litter, either coming from the unit or coming from bags of litter placed in the hallway outside the door to Ms. Watson's unit.

The letter from legal counsel

- [11] Details about dates and the nature of the complaints are set out in a letter from a lawyer retained by LCC 14, dated September 17, 2025. The letter also reminded Ms. Watson of LCC 14's Rules and her obligations as an owner and resident, including the requirement to not make unreasonable noise, cause unreasonable odours, and to not smoke tobacco or cannabis in the unit or in the common areas of the building.
- [12] The letter also noted that the condominium management, board of directors, and other residents were concerned about Ms. Watson's well-being. The letter indicated that LCC 14 would welcome dialogue about Ms. Watson's situation and in particular, if there were any medical issues that could be addressed through an accommodation process.

[13] I asked Ms. Deng if the condominium management had sent any communications to Ms. Watson before the September 17 letter. She advised that there had been no written communication. Attempts to contact Ms. Watson by phone had not succeeded. She also advised that LCC 14 had not received any response to the September 17 letter.

C. LEGISLATION & LCC 14'S RULES

[14] Subsection 117 (2) of the Act states:

117(2) No person shall carry on an activity or permit an activity to be carried on in a unit, the common elements or the assets, if any, of the corporation if the activity results in the creation of or continuation of,

(a) any unreasonable noise that is a nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation; or

(b) any other prescribed nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the corporation.

[15] Disputes about odours are prescribed by Ontario Regulation 48/01. Disputes about provisions of a condominium's Rules about storage, including garbage, are prescribed by Ontario Regulation 179/17.

[16] LCC 14's Rules include the following provisions:

8. Owners, occupants, and their families, guests, visitors and servants shall not create or permit the creation of, or continuation of any noise or nuisance which, in the opinion of the Board of Directors or the Manager, may or does disturb the comfort or quiet enjoyment of the property by other owners, their families, guests, visitors, servants and persons having business with them.

14. The sidewalks, entry passageways, walk-ways and roadways used in common by the owners shall not be obstructed by any owners or used by them for any purposes other than for ingress and egress to and from their respective units.

30. Any loss, cost or damages incurred by the Corporation by reason of a breach of any rules and regulations in force from time to time by any owner, his family, guests, servants, agents or occupants of his unit shall be borne by such owner and may be recovered by the Corporation against each owner in the same manner as common expense.

[17] A separate smoking policy provides:

1. Smoking prohibition: Due to the irritation and known health risks of exposure to second-hand tobacco smoke, increased risk of fire and increased maintenance and cleaning costs, all forms of smoking are prohibited on the condominium property, including:

i. Inside all condominium units

ii. On deeded or exclusive use patios/balconies; and

iii. On any part of the condominium that is a common element or exclusive use common element.

2. Definition of smoking. " Smoking" shall include the inhaling, exhaling, burning, vaping or carrying of lighted tobacco/marijuana.

D. FINDINGS

[18] I accept the evidence provided by LCC 14 and find it to be credible. Because Ms. Watson did not join the case, I do not have any evidence or submissions that might contradict that evidence or question its credibility.

[19] I find that Ms. Watson has caused or allowed others to create noise in her unit and in the common areas of the building. I accept the evidence from LCC 14 that the noise is unreasonable and results in a nuisance, annoyance or disruption to other residents.

[20] I find that Ms. Watson has left used cat litter in the hallway outside her unit. The evidence from LCC 14 indicates that residents have frequently complained that this causes strong objectionable odours. I find that Ms. Watson has created or allowed the creation of unreasonable odours that result in a nuisance, annoyance or disruption to other residents.

[21] I find that Ms. Watson has left garbage in the passageway or hallway outside her unit, contrary to Rule 14.

[22] I find that Ms. Watson has smoked tobacco or cannabis in her unit, contrary to the non-smoking rules. The resulting odours are unreasonable because no smoking is permitted. This activity results in a nuisance or annoyance to other residents and so is contrary to s. 117 (2) of the Act.

E. COMPENSATION & COSTS

[23] LCC 14 seeks compensation for legal costs that it has incurred in seeking compliance with the rules, and the costs of bringing this application, including the

Tribunal filing fees.

- [24] The Tribunal's authority to make orders is set out in s. 1.44 of Act. Subsection 1.44 (1) says that the Tribunal may make an order "directing a party to the proceeding to pay compensation for damages incurred by another party to the proceeding as a result of an act of non-compliance".
- [25] LCC 14 says it incurred costs of \$1,356.00 as a result of Ms. Watson's non-compliance with the rules. That cost relates to the September 17, 2025 letter from counsel.
- [26] I find that the amount claimed is reasonable noting that there was a significant history of non-compliance that had to be documented and the letter also appropriately addressed the question of whether Ms. Watson required any accommodation to allow her to comply with the rules. As noted, unfortunately, Ms. Watson did not respond to the letter.
- [27] My only concern about the letter is that there was apparently no communication between the condominium management and Ms. Watson before the letter from counsel was sent. It is generally important for a condominium to actively communicate with an owner or resident about compliance with the rules before involving legal counsel. For this reason, I will order Ms. Watson to pay \$1,000 in compensation but not the full amount claimed.
- [28] The Tribunal can also make an order under s. 1.44 of the Act for legal costs incurred in bringing the application and participating in the hearing, in accordance with the Tribunal's Rules of Practice. Rule 48 states:
- 48.1 If a Case is not resolved by Settlement Agreement or Consent Order and a CAT Member makes a final Decision, the unsuccessful Party will be required to pay the successful Party's CAT fees unless the CAT member decides otherwise.
- 48.2 The CAT generally will not order one Party to reimburse another Party for legal fees or disbursements ("costs") incurred in the course of the proceeding. However, where appropriate, the CAT may order a Party to pay to another Party all or part of their costs, including costs that were directly related to a Party's behaviour that was unreasonable, undertaken for an improper purpose, or that caused a delay or additional expense.
- [29] LCC 14 was successful in this case and paid CAT fees of \$150. Under Rule 48.1, I order Ms. Watson to pay LCC 14 \$150.

[30] Under Rule 48.2, an order for legal costs related to bringing the application is not generally awarded. While I appreciate that this matter has been difficult for LCC 14 and its residents, I find that there is no reason to depart from the general rule and I do not make an order for reimbursement of legal costs.

F. ORDER

[31] The Tribunal orders that:

1. Ms. Watson must immediately comply with LCC 14's Rules and the Act. In particular, she must:
 - a. Not cause or allow others to cause unreasonable noise,
 - b. Properly dispose of cat litter and other garbage and not store cat litter or other garbage in the hallway outside her unit door, and
 - c. Not smoke tobacco or cannabis or allow others to do so in her unit or anywhere else on the property.
2. Within 30 days of this Order, Ms. Watson shall pay LCC 14 \$1,000 in compensation for costs associated with seeking compliance with the rules and \$150 representing the CAT filing fees incurred by LCC 14, for a total of \$1,150.

Brian Cook
Member, Condominium Authority Tribunal

Released on: February 12, 2026